

CHAPTER 1064
HUNTING AND FISHING

H. F. 356

AN ACT relating to the administration of hunting, fishing and recreation programs and subjecting violators to penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter one hundred seven (107), Code 1977, is amended by adding the following new section:

NEW SECTION. The commission shall not limit the number of applications submitted for consideration or the number of projects under construction with respect to United States heritage conservation and recreation service projects.

Sec. 2. Chapter one hundred nine (109), Code 1977, is amended by adding the following new section:

NEW SECTION. A person who is hunting shall not use a mobile radio transmitter to communicate the location or direction of game or to coordinate the movement of other hunters.

Sec. 3. Section one hundred nine point thirty-eight (109.38), subsection two (2), Code 1977, is amended to read as follows:

2. If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited or further regulated, the commission shall conduct a drawing to determine which applicants shall receive a license. Applications for licenses shall be received and accepted during a ~~fifteen-day~~ thirty-day period established by the commission. At the end of such period the drawing shall be conducted. If the quota has not been filled, licenses shall then be issued in the order in which such applications are received and shall continue to be issued until such quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. ~~If an applicant fails to receive a deer license by either of the methods provided herein, such applicant shall receive a certificate at the time his application and monetary remittance is returned to him which shall entitle him to a license the following year before the drawing is conducted by the commission.~~ If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with his or her license entitling the

applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season as provided under this section and under section one hundred ten point one (110.1) of the Code shall not be eligible for a deer-hunting license under the provisions of section one hundred ten point seventeen (110.17) of the Code. This subsection shall not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 4. Section one hundred nine point forty-eight (109.48), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

The commission may adopt rules for the taking and possession of migratory birds which are subject to the federal "Migratory Bird Treaty Act" and "Migratory Bird Stamp Hunting Act" during the time and in the manner permitted under those federal Acts. The commission shall not adopt a rule for the taking or possession of a migratory bird for which an open season is not authorized by another paragraph of this section.

Sec. 5. Section one hundred nine point seventy-four (109.74), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

109.74 WHERE PERMITTED. Trotlines and throw lines may be used in the border rivers of the state and in the inland waters. However, the commission may by rule prohibit the use of trotlines or throw lines in certain inland waters.

Sec. 6. Section one hundred nine point one hundred twenty-three (109.123), Code 1977, is amended to read as follows:

109.123 PROHIBITED HUNTING NEAR BUILDINGS. A person shall not hunt any game within ~~one~~ two hundred yards of any building inhabited by people or domestic livestock unless the owner or tenant has given consent.

Sec. 7. Chapter one hundred ten (110), Code 1977, is amended by adding the following new sections:

NEW SECTION. The commission shall not issue more than two operator's certificates for commercial fishing gear for each owner's certificate for commercial fishing gear.

NEW SECTION. A resident or nonresident person required to have a hunting or trapping license shall not hunt or trap unless he or she has on his or her person a valid wildlife habitat stamp signed in ink with his or her signature across

the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and trapping licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section four hundred twenty-seven point one (427.1) of the Code, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development, management and enhancement of wildlife lands and habitat areas. Not more than fifty percent of all revenue from the sale of wildlife habitat stamps may be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed fifty percent.

NEW SECTION. For the purpose of obtaining a license, a person is permanently disabled if that person has been found under the provisions of the federal Social Security Act, title two (II), or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in his or her occupation or qualifies that person for retirement.

NEW SECTION. A county board of supervisors shall not authorize the payment of bounties on the following species: crow, rattlesnake, fox, wolf except coyote, wildcat or bobcat and lynx.

NEW SECTION. Any person required to have a fishing license shall not possess trout unless that person has at that time on his or her person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink, a receipt, or other evidence showing that such trout was lawfully acquired. The proceeds from the sale of this stamp shall be used exclusively to restock trout waters designated by the state conservation commission.

NEW SECTION.

1. A nonresident shall not hunt pheasants unless the pheasant stamp is purchased and affixed to the nonresident hunting license and the nonresident hunter possesses an unused pheasant tag. A nonresident shall not possess an untagged pheasant.

2. The pheasant stamp shall permit the license holder to hunt pheasants. The stamps shall be issued with tags in the amount of twice the possession limit established by the commission for pheasant. The tags shall bear the same number as the stamp and shall be designed to be used only once. A nonresident may purchase another pheasant stamp and tags when the tags of the previous stamp are exhausted.

NEW SECTION. The deer hunting license shall be accompanied by a tag designed to be used only once and separable into two parts. When a deer is taken, the deer shall be tagged with one part of the tag and both parts of the tag shall be dated.

Sec. 8. Section one hundred ten point one (110.1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter sixty-six (66), section six (6), is amended by striking the section and inserting in lieu thereof the following:

110.1 LICENSES. Except as otherwise provided in this chapter, no person shall fish, trap, hunt, pursue, catch, kill or take in any manner, or use or have possession of, or sell or transport all or any portion of any wild animal, bird, game or fish, the protection and regulation of which is desirable for the conservation of the resources of the state, without first procuring a license or certificate so to do and the payment of a fee as follows:

- 1. Fishing licenses:
 - a. Legal residents except as otherwise provided..... \$ 6.00
 - b. Legal residents permanently disabled or sixty-five years of age or older..... \$ 1.25
 - c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older..... \$ 6.00
 - d. Nonresident license..... \$ 12.00
 - e. Three-day license for resident or nonresident..... \$ 3.00

f. Special trout license stamp.....	\$ 5.00
2. Hunting licenses:	
a. Legal residents except as otherwise provided.....	\$ 6.00
b. Legal residents permanently disabled or sixty-five years of age or older.....	\$ 1.25
c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older.....	\$ 6.00
d. Deer hunting license for residents.....	\$ 15.00
e. Wild turkey hunting license for residents.....	\$ 15.00
f. Nonresidents hunting license.....	\$ 35.00
g. Nonresidents raccoon stamp and tags.....	\$100.00
h. Nonresidents pheasant stamp.....	\$ 5.00
3. Hunting and fishing combined licenses:	
a. Legal residents except as otherwise provided.....	\$ 11.00
b. Legal residents permanently disabled or sixty-five years of age or older.....	\$ 2.50
c. Lifetime license for residents permanently disabled or sixty-five years of age or older.....	\$ 8.00
4. Trapping and game breeders licenses:	
a. Trapping license for legal residents sixteen years of age or older.....	\$ 10.00
b. Trapping license for legal residents under sixteen years of age.....	\$ 1.00
c. Trapping license for non- residents.....	\$100.00
d. Fur dealers license for resi- dents.....	\$150.00
e. Fur dealers license for non- residents.....	\$300.00

f. Game breeder's license.....	\$ 10.00
5. Net, seine, trap, commercial trotline licenses for residents:	
a. Seine:	
For the first 500 lineal feet or fraction thereof \$10.00 and for each additional 500 feet or frac- tion thereof.....	\$ 15.00
b. Trammel net:	
For each 300 lineal feet or fraction thereof.....	\$ 10.00
c. Gill net:	
For each 100 lineal feet or frac- tion thereof.....	\$ 2.00
d. All other nets, for each net.....	\$ 1.00
e. Basket traps, for each trap.....	\$ 1.00
f. Commercial trotline:	
For each trotline.....	\$ 1.00
g. Owner's certificate for commercial fishing gear.....	\$ 25.00
h. Operator's certificate for each person operating commercial fishing gear.....	\$ 1.00
6. Net, seine, trap, commercial trotline licenses for nonresidents eligible to purchase such licenses:	
a. Seine:	
For each 500 lineal feet or frac- tion thereof.....	\$ 20.00
b. Trammel net:	
For each 300 lineal feet or frac- tion thereof.....	\$ 20.00
c. Gill net:	
For each 300 lineal feet or frac- tion thereof.....	\$ 20.00
d. All other nets, for each net.....	\$ 3.00
e. Basket traps, for each trap.....	\$ 3.00
f. Commercial trotlines, for each trotline.....	\$ 4.00
7. Other licenses:	
a. Mussel licenses:	

(1) Legal residents.....	\$ 10.00
(2) Nonresidents.....	\$ 25.00
b. Wholesale fish-market or fish-peddler's license for residents.....	\$ 10.00
c. Wholesale fish-market license for nonresidents.....	\$ 25.00
d. Wholesale fish-peddler's license for nonresidents.....	\$ 10.00
e. Peddlers, employed by wholesale fish market, certificate.....	\$ 1.00
f. Scientific collector's license.....	\$ 2.00
g. Private fish hatcheries.....	\$ 10.00
h. Bait dealer's license for residents.....	\$ 25.00
i. Bait dealer's license for nonresidents.....	\$ 50.00
j. Taxidermy license.....	\$ 10.00
k. Falconry license.....	\$ 10.00
l. Nongame support certificate.....	\$ 5.00
m. Special wildlife habitat stamp.....	\$ 3.00

Sec. 9. Section one hundred ten point four (110.4), Code 1977, is amended to read as follows:

110.4 DEPOSITARIES--BOND. The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond. Depositaries designated by the county recorder or the director may have the privilege of charging an additional ~~five-percent-of-the cost-of~~ twenty-five cents for each license to be retained for the service rendered in issuing the license.

Sec. 10. Section one hundred ten point five (110.5), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county recorder may require that a writing fee of twenty-five cents be charged for each license sold by the county recorder's office. The writing fees from the sale of licenses by the county recorder shall be deposited in the county general fund.

Sec. 11. Section one hundred ten point fourteen (110.14), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The magistrate shall revoke the hunting license or suspend the privilege of procuring a hunting license for a period of one year of any person who has been convicted twice within a year of trespassing while hunting. If the hunting privileges of a hunting and fishing combined license are revoked, the fishing privileges of the license shall still be valid and the magistrate shall enter on the license that the hunting privileges are revoked. A person shall not purchase a license for a privilege that was revoked or suspended during the period of revocation or suspension.

Sec. 12. Section one hundred ten point seventeen (110.17), unnumbered paragraph ten (10), Code 1977, is amended to read as follows:

The commission shall upon request issue without charge a special fishing license to residents of Iowa sixteen years or more of age who the commission finds are mentally or physically severely handicapped. ~~Such special license shall be valid only when the holder is fishing under supervision.~~ The commission is hereby authorized to prepare an application to be used by the person requesting handicapped status, which would require that his attending physician sign the form declaring the person handicapped and eligible for exempt status.

Sec. 13. Section one hundred ten point eighteen (110.18), Code 1977, is amended to read as follows:

110.18 COURTESY NONRESIDENT LICENSES. The commission is hereby authorized to issue a courtesy nonresident license for the taking of any fish or game, except deer. Such licenses may be issued by the ~~director-of-the~~ commission, without charge, to ~~dignitaries-and~~ officials of other states, countries, or the United States who are in the state as guests of the governor or the commission. Such licenses shall be issued for a specific number of days. The commission shall establish policies for the issuance of each license and such policies shall be subject to review by the administrative rules review committee pursuant to section seventeen A (17A) of the Code. The commission shall enter each issuance in its minutes. The number of licenses to be issued for any one season or species of fish or game shall not exceed one hundred fifty.

Sec. 14. Section one hundred ten B point two (110B.2), Code 1977, is amended to read as follows:

110B.2 STAMP REQUIRED. No person sixteen years of age or older shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his or her possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 110.

Sec. 15. Section one hundred ten B point three (110B.3), Code 1977, is amended to read as follows:

110B.3 FEE. The fee for each stamp issued under this chapter shall be ~~one-dollar~~ five dollars. Each stamp shall expire on the last day of February following its issuance.

Sec. 16. Section three hundred twenty-one G point seven (321G.7), Code 1977, is amended to read as follows:

321G.7 FEES TO CONSERVATION FUND. ~~All~~ Seventy-five percent of the fees collected from the registration of snowmobiles shall be forwarded by the county recorder to the commission for remission to the treasurer of state, who shall place such money in the state conservation fund. The fees collected forwarded shall be appropriated by the general assembly to the commission solely for their use. Twenty-five percent of the fees collected from the registration of snowmobiles shall be deposited by the county recorder in the county conservation fund or the county general fund if there is no county conservation fund. These fees may be used for snowmobile programs and other programs deemed appropriate by the county conservation board or the board of supervisors if there is no county conservation board.

Sec. 17. Notwithstanding the provisions of section thirteen (13) of this Act, the state conservation commission shall not issue any courtesy nonresident licenses under section one hundred ten point eighteen (110.18) of the Code during the calendar year beginning January 1, 1979 and ending December 31, 1979.

Sec. 18. INTENT.

1. It is the intent of the general assembly that the succeeding general assembly appropriate funds for additional field officers for the state conservation commission with

the funds made available by the license fee increases provided in this Act.

2. It is the intent of the general assembly that the state conservation commission temporarily assign its personnel who are qualified as peace officers, regardless of their permanent assignments, to enforce the game laws during the days of greatest hunting activity.

Sec. 19. This Act is effective January 1, 1979. However, effective July 1, 1978 and notwithstanding section one hundred ten point one (110.1) of the Code, the fee for a deer hunting license for residents shall be fifteen dollars and the fee for a nonresident hunting license shall be thirty-five dollars.

Approved June 23, 1978

CHAPTER 1065

TRAPPING OF ANIMALS

H. F. 2284

AN ACT relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section one hundred nine point ninety-two (109.92), unnumbered paragraph one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter sixty-six (66), section four (4), is amended to read as follows:

Except as otherwise provided in this chapter no person shall at any time, use or attempt to use any colony traps in taking, capturing, trapping or killing any game or fur-bearing animal. Box traps capable of capturing more than one game or fur-bearing animal at each setting are prohibited. A valid hunting license is required for box trapping cottontail rabbits and squirrels. All traps used for the taking of fur-bearing animals shall have a metal tag attached plainly labeled with the owner's name and address. All traps, except those which are placed entirely under water, shall be checked at least once every twenty-four hours. Officers appointed by the commission shall have authority to confiscate such traps when found in use that are not properly labeled or checked.